

ATTACHMENT B

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF MISSOURI**

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Isaac McPheeters, being duly sworn, declare and state the following is true and correct to the best of my knowledge and belief:

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), and I have been employed with the FBI since January 2017. I am currently assigned to the FBI’s Kansas City Field Office of the FBI’s Kansas City Division/Springfield Resident Agency, within the Western District of Missouri. My duties include the investigation of possible violations of federal terrorism offenses, both international and domestic, threats, bombings, other terrorism offenses, and firearms violations. My investigations have included the use of various surveillance techniques and the application for and execution of various search, seizure, and arrest warrants, including search warrants for electronic information and residences.

2. This affidavit is based on the following facts, which are known to me as a result of my personal participation in the investigation, statements by witnesses, my conversations with law enforcement officers, and from reports prepared by law enforcement officers.

3. This affidavit is submitted for the limited purpose of establishing probable cause that BRYAN C. PERRY (“PERRY”) (Date of Birth: 09/24/1985), the defendant herein, committed violations of Title 18, United States Code, Sections 875(c), 922(g)(1) and 924(a)(8), and 111(a)(1) and (b). Consequently, this affidavit does not include every fact known to me.

4. In September 2022, the FBI received an anonymous tip via the FBI's National Threat Operations Center that the user of TikTok account @trashpanda1774 posted a video about conducting a violent attack against the United States ("U.S.") Government, and starting a war against the government, specifically saying, "I am probably the only one right now that is ready to go to war against this government and I don't mean just talk about it I mean grab my rifle and go to DC and take this country back physically, not sit in a basement and talk about it." In addition, the complainant referenced having observed posts in which the user stated the need for six like-minded individuals with firearms and their own gear to conduct a hit. This tip related to an investigation by the FBI's Memphis, Tennessee division on PERRY.

5. During the course of the aforementioned investigation, through information received from TikTok, Yahoo, and AT&T Corp., the user of TikTok account @trashpanda1774 was identified by the FBI as PERRY. Through review of other TikTok video posts by PERRY, the FBI identified additional threatening statements made by PERRY. In substance and in part, PERRY discussed traveling with a group to the U.S. border to shoot migrants.

6. In a video posted on or about September 12, 2022, PERRY can be heard referencing that members of the U.S. Border Patrol were allowing illegal immigrants into the U.S. from Mexico. PERRY goes on to state that this action was an act of treason and that the U.S. Constitution says the penalty for treason is death. Later in the same video, PERRY states that he created his TikTok account not to gain followers but to recruit members into his group, which he refers to as the 2nd American Militia, and that they "are getting ready to move out."

7. In another video posted to the TikTok account @trashpanda1774, posted on September 16, 2022, PERRY references being ready to take back the country very soon. PERRY

further states his intention to “take this country back,” saying, “When we do, we will eradicate every motherfucker that is part of a communist mindset. You can take that to the fucking bank. No mercy. No surrender.”

8. During a TikTok video posted by @trashpanda1774 on or about September 20, 2022, PERRY said that “a war is coming.” It appeared to me that the video was recorded by an individual with a male voice who appeared to be on the front porch of a residence.

9. In a TikTok video posted through @trashpanda1774 on or about September 22, 2022, PERRY stated that “our little group is moving out as soon as possible, we’re not going to sit here and wait around anymore . . . when the shit does hit the fan, don’t try to come find us . . . we’re out to shoot to kill, we’re not out to maim people or to let them go.” In this video, which was filmed inside of a vehicle, I observed the touch screen / control panel of the vehicle, which listed “Bryan’s Galaxy”, presumably referencing the cell phone connected to the car at the time of operation. The screen also referenced a contact by the name of “Johnathan.” In follow-up comments made by PERRY following the video, he posted a comment saying, “where we plan on going when the gun fight starts it’s going to be hard as shit for other groups to come join.”

10. The FBI received information from TikTok regarding the account @trashpanda1774, which revealed a subscriber email address of trashpanda1776@yahoo.com. The FBI then received information from Yahoo regarding such email address, which showed that it was affiliated with the subscriber’s telephone number of XXX-XXX-7717 (“7717”). Subsequent database checks by the FBI revealed that AT&T Corp. was the service provider for 7717. The FBI obtained and served a subpoena to AT&T Corp. for subscriber information and toll records for 7717. In response, AT&T Corp. listed the subscriber of the account as being PERRY, with a

residential address of 974 Swift Drive, Clarksville, Tennessee 37040. AT&T Corp. records showed that the account was presently in ‘Active’ status. The FBI conducted a review of the toll records for the 7717 number in order to identify the most commonly connected numbers. As of August 2022, one of those telephone numbers was XXX-XXX-9594 (“9594”).

11. The FBI conducted database checks to identify the account holder for 9594. The results of these checks indicated that the account belonged to two individuals, one of whom was JONATHAN O’DELL (“O’DELL”) and the other a likely relative of O’DELL, who was later identified as O’DELL’s brother. Subscriber records indicated that 9594 was owned by O’DELL’s brother.

12. A driver’s license check of the Missouri Department of Motor Vehicles database associated O’DELL with the most current address of 34154 U.S. Highway 65, Warsaw, Missouri 65355 (the “O’DELL Residence”), a location in Benton County, within the Western District of Missouri.

13. As previously mentioned, *see supra* ¶ 8, PERRY recorded and posted a TikTok video while on what appeared to be the front porch of a residence. The FBI conducted a Google Maps search for the O’DELL Residence and also conducted physical surveillance on the O’DELL Residence. The FBI found that the exterior of the home located at the O’DELL Residence was consistent with what could be seen in the TikTok video based on commonalities between the Google Maps image and the video, including the structure of the front porch, the presence of an American flag and its location on the front of the O’DELL Residence, and similar vegetation in and around the property. Based on this, the FBI concluded that PERRY was co-located with O’DELL at the O’DELL Residence as of September 20, 2022.

14. On September 28, 2022, the FBI reviewed PERRY's TikTok account and found that the language on the homepage for the account had been updated to say, "MO is now home". Based on your Affiant's knowledge and experience, "MO" is the two-letter abbreviation for Missouri, which leads to the conclusion that PERRY remains in Missouri. This was also corroborated by physical surveillance of the O'DELL Residence, as described below.

15. Physical surveillance subsequently conducted by the FBI through October 5, 2022, established PERRY and O'DELL were residing at the O'DELL Residence. The FBI has observed a vehicle registered to PERRY parked at the O'DELL Residence, as well as a vehicle matching the description of one registered to O'DELL parked at the O'DELL Residence.

16. On or about September 25, 2022, a video was posted to the TikTok account @mobornfromthe90s showing O'DELL speaking to the camera, expressing a desire to secure the southern border—three days after the post by PERRY referenced above, *see supra* ¶ 9, where PERRY states their "little group is moving out as soon as possible" with the intent of "shoot[ing] to kill." The TikTok account appeared to be used by O'DELL. In comments on the video, O'DELL indicates they are leaving for Texas on October 4, 2022. Visible in the frame, O'DELL appears to be holding the buttstock of a rifle. O'DELL also posted a video on September 17, 2022, and appears to be holding a rifle, again with the buttstock visible in the frame of the video as he speaks.

17. On or about October 2, 2022, PERRY posted to his TikTok account, saying "patriots this saturday 10/08/2022 we are going hunting! IYKYK!! Leaving from warsaw, MO 1200 CT.... starting from country mart across from dollar general. hope to see you there and ready.

IYKYK.” I know from my training and experience that “IYKYK” is common shorthand for “If you know, you know.”

18. On or about October 3, 2022, PERRY again posted to his TikTok account, @trashpanda1774, saying, “Hey Patriots, I made a video, uh, this morning about, uh, saying that we were going out huntin’. That is correct. That’s accurate, uh the 8th, uh going down to Texas.” PERRY continued saying, “We’re not going down there to protest for sure. Not, nothing like that at all... going down there to let them know we mean business.” PERRY said his group was taking their “full kits” and “everything that would be needed.” I know from my training and experience that kits often refers to wearable vest carriers that better enable shooters to carry extra gear including body armor, spare ammunition, and radios. PERRY stated, “And the reason I choose the, uh, spot for the meeting place before we head out because I wanna talk to the people a little bit before we actually head out to go huntin’. Because I want you all to the know the seriousness of it. What we’re really gonna be doin’ and what to expect.” PERRY continued, “We’re not going down there to protest. We’re not going down there to, uh, just be a presence. No, we are going down there and we’re taking this country back.” PERRY stated, “Someone had told me this morning, that they asked me that if I knew that there was a possibility that we wouldn’t return, and I told them, turned around and said yes. I know there’s a great possibility that we won’t return. But I also know that with the skills that the government’s given me when I went through the Army. That’s gonna help me survive.” PERRY continued saying, “That being said, I don’t have no fear, I don’t have no fear about what has to be done. The only thing I fear is leaving people behind that are gonna miss me. That’s the only fear I have. So it is a lot to think about, it is a lot to decide if really you want to go or not. But now’s the chance, we’re heading out Saturday.”

19. On or about October 3, 2022, an FBI Confidential Human Source (“CHS”) had a recorded phone conversation with PERRY. The CHS was outside the state of Missouri during the phone call. PERRY explained his plans to the CHS saying, “We’re not just going down there to protest. We’re not goin down there to – uh, we’re not takin prisoners is basically what it is.” PERRY continued, “I mean, you know I know a lot of people are like, well, we don’t want violence. Well, that’s what it’s gonna take for people to open up their eyes” PERRY continued, “We’re not gonna allow people to come across our border, especially with uranium.” PERRY continued, “I’m goin down there to hold up a rifle. You come across, you’re gonna lose your life.” PERRY then discussed resistance his group will face from the U.S. Government saying, “We’re gonna be going against federal agents.” PERRY continued, “I’m not going down there to play with ’em. You know? I’m going down there for business, to show ’em this is our country. You’ve committed treason by allowing these folks in. The only (inaudible) for treason is death. And, and if it comes to it, I’ll raise my rifle. I’ll raise my sidearm. And I’ll put one of ’em into the fuckin ground that quick.” During this phone call, PERRY also discussed “Jonathan” and their plan to go to the border, saying they are “really close.”

20. PERRY then discussed plans for after his mission at the southern border saying, “I have a plan set in place for DC. Um. And it required – it would require a more than just a uh, uh small group of people. It would involve a large group. Uh. Probably thinkin’ about six uh, uh probably about six four-man teams to uh, block off the city of DC. But that would require takin a couple bridges out and stuff like that. And that would stop all traffic goin’ in and out.” PERRY told the CHS that PERRY had called the office of Texas Governor Greg Abbott, saying, “I didn’t talk to him personally; I had to leave a message.” PERRY summarized his message to Governor

Abbott saying, “I basically told him, I said look, we’ve uh – I am a cofounder of a militia out here in Tennessee and Missouri. Um, you know we’ve-we’ve been watching the news. We know that ya’lls watched people come across the border that are trafficking drugs. They also have uranium on ’em. You know, it’s not acceptable anymore. If ya’ll cannot take care of this border and shut it down then we will be forced to come in and do it ourselves.”

21. PERRY later discussed the need for good equipment saying, “Once the fighting starts, we’re not gonna have the communications that the military has. I mean we’re just not. I don’t mind once we take a couple of ’em out takin their gear, and havin radios like that, but they’re not gonna be coded to where they can’t listen in on it. PERRY continued, “I’m not going down there with ID. I’m not goin down there with phone. It’d, it’d be a dead giveaway of who I am and what my intentions are.” PERRY told the CHS that as part of his recruitment efforts, he made contact with a Missouri woman on TikTok and Instagram. PERRY gave her his number on Instagram so they could communicate further. PERRY told her, “My intentions are to go down there and basically start a war.” PERRY continued, “I mean, I’m not going down there to play. I’m not going down there to say, yeah we’re here to just make sure no one comes across. No, I’m goin down there-if someone comes across that border, I’m gonna put ’em down. I dunno know who they are. I know they’re coming in illegally. And I know they shouldn’t be. And I don’t fire warnin’ shots.” PERRY continued, “And if it takes deadly force, we’ll use deadly force.”

22. Based on ping data retrieved by AT&T Corp. on PERRY’s phone, subsequent to the issuance of a search warrant for such information issued by the United States District Court for the Middle District of Tennessee on September 29, 2022, the phone utilized by PERRY during the

call was in Benton County, Missouri, a location within the Western District of Missouri, at the time of this phone call.

23. On September 29, 2022, physical surveillance conducted by the FBI at the O'DELL Residence observed a silver Jeep Grand Cherokee registered to PERRY parked at the O'DELL Residence.

24. On September 30, 2022, physical surveillance conducted by the FBI at the O'DELL Residence again observed the Jeep registered to PERRY parked there. That same day, PERRY was observed walking into and out of UMB Bank, 707 Walnut Drive, Warsaw, Missouri. PERRY was then observed walking into and out of Top Gun Armory, 619 Commercial St, Warsaw, Missouri. PERRY was observed open carrying what appeared to be a handgun on his hip in a holster and entering his vehicle. Law enforcement records indicate PERRY is a convicted felon and is prohibited from possessing firearms. Specifically, PERRY was convicted of the felony of aggravated robbery in Montgomery County, Tennessee in 2005 and served more than a year in prison on the resulting sentence.

25. As part of my training and experience, I am familiar with social media platforms and websites, including TikTok. I know from my training and experience that TikTok is a Social Media platform primarily used for sharing videos and that a common way to access and use TikTok is through an application one can download to their smartphone. Based on the angle and movement of the camera in videos posted by PERRY and O'DELL, the video is consistent with video recorded on and by a smartphone. I also know from my training and experience that the most common mode of use for posting videos on TikTok is to record the video with a smartphone and post said video with the same smartphone.

26. On October 7, 2022, the FBI executed a search warrant, issued by the United States District Court for the Western District of Missouri on October 6, 2022, on the O'DELL Residence, which I participated in. The FBI approached the property in vehicles with red and blue lights and sirens activated. As the FBI approached, an agent utilized a loudspeaker on one of the vehicles, stating that they were with the FBI and that they had a search warrant for the residence. After such announcement, the FBI agent began to repeat the announcement, again stating that they were with the FBI, when gunshots were fired from a front window at the lead FBI vehicle. Several rounds hit the lead FBI vehicle. Agents estimated that eight or nine rounds were fired at them.

27. FBI agents did not return fire and, after the gunshots ceased, the FBI established a perimeter and began communicating with the persons inside the residence to come out. Subsequently, PERRY exited the residence and began walking toward agents, as though he was going to surrender. However, PERRY then stopped complying with FBI commands, turned around, and began moving back toward the house. Agents then apprehended PERRY and detained him. Upon detention, PERRY began making spontaneous statements to FBI Special Agent Jeffrey Atwood. Special Agent Atwood recited PERRY's *Miranda* rights to him. PERRY continued speaking to Special Agent Atwood and stated that no one else did the shooting that morning and that he "own[s] it."

28. O'DELL was also found on the premises. Through a search of the residence, the FBI located a Ruger, 9 mm pistol, unknown model, with a serial number that was obliterated, in a bedroom at the southwest corner of the O'DELL Residence. Agents observed that the window of the bedroom was broken and found ten spent shell casings in the room. Agents also found a AR-15, model AM-15, firearm, of an unknown make, bearing serial number 21221464 in the room.

Special Agent Brian Fox of the Bureau of Alcohol, Tobacco, Firearms, and Explosives was consulted regarding the Ruger firearm and, based upon the description of the firearm and his training and experience, knows that such firearm was manufactured outside of the state of Missouri. Therefore, because it was found in the state of Missouri, it would have traveled across state lines prior to its discovery in the O'DELL Residence on October 7, 2022. Based upon my earlier surveillance of PERRY when I observed him carrying a firearm, the Ruger firearm found in the O'DELL Residence is consistent in appearance with the firearm I observed PERRY carrying earlier.

29. During subsequent post-*Miranda* contact with FBI agents, PERRY stated he intended to go to Texas with O'DELL. PERRY also stated that the AR-15 rifle found in the southwest bedroom of the O'DELL Residence was his rifle.

30. Another person located at the O'DELL Residence at the time of the execution of the search warrant, S.M., told FBI agents that, prior to the gunshots occurring, PERRY asked O'DELL if O'DELL wanted him (PERRY) to shoot them.

31. The facts set forth in this affidavit are true and correct to the best of my knowledge and belief. I declare upon the penalty of perjury that the information contained herein is true and correct to the best of my knowledge.

Respectfully submitted,



Isaac McPheeters
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me by telephone or other reliable electronic means on the 7th day of October 2022.



Willie J. Epps, Jr.
United States Magistrate Judge